

CITY OF KINGMAN
REGULAR MEETING OF THE COMMON COUNCIL
Council Chambers
310 N. 4th Street

6:00 P.M.

Minutes

Monday, February 01, 2010

Members:	Officers:	Visitors Signing In:
J. Salem, Mayor	C. Cooper, City Attorney	See attached list
J. Watson, Vice Mayor	J. Kramer, City Manager	
K. Deering	D. Francis, City Clerk	
R. Gordon	D. King, Deputy City Clerk/Recording Secretary	
R. Lyons	G. Jeppson, Development Services Director	
K. Walker	R. Owen, Public Works Director	
C. Young - excused	G. Henry, Engineer	
	R. DeVries, Police Chief	
	C. Osterman, Fire Chief	
	C. Loyd, Financial Services Director	

REGULAR MEETING

CALL TO ORDER & ROLL CALL

Mayor Salem called the meeting to order at 6:00 p.m. and roll call was taken. All Council Members were present with the exception of Councilmember Young who was excused. The Invocation was given by City Attorney Carl Cooper, after which the Pledge of Allegiance was said in unison.

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

1. APPROVAL OF MINUTES

The Regular Meeting minutes of January 19, 2010

Vice Mayor Watson made a MOTION to APPROVE the Regular Meeting minutes of January 19, 2010 as written. Councilmember Deering SECONDED and it was APPROVED by a vote of 6-0.

2. APPOINTMENTS

Transit Advisory Commission (TAC)

The Transit Advisory Commission recommends appointment of William Laity to fill their vacant position, with a term expiration of November 2011.

Mr. Laity addressed the Council. He stated that he has lived in Mohave County for 22 years and is a former member of the Transportation Administrators of Arizona. Mr. Laity stated that he is a retired transit driver/trainer and before his retirement he created a small transit system from the ground up. He went on to state that he is now retired and has time to give back to the community.

Councilmember Gordon recused herself from this item due to a conflict of interest.

Councilmember Deering made a MOTION to APPOINT William Laity to TAC, with a term to expire in November of 2011. Councilmember Walker SECONDED and it was APPROVED by a vote of 5-0 with Councilmember Gordon abstaining.

3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments should be limited to no longer than 3 minutes.

Lola Chavez, resident of Kingman, addressed the Council. Ms. Chavez expressed her appreciation to Paulette Dollarhide for bringing a Hispanic dance troop in to perform at a downtown Kingman event. She went on to state that it made her feel a part of the community. Ms. Chavez stated that Bullhead City Mayor Jack Hakim hosted a Hispanic festival and she appreciated the existence of the event.

Ms. Chavez stated that the Hualapai Mountain Medical Center (HMMC) is a beautiful facility that offered her great care and privacy. She expressed her appreciation to HMMC.

Ms. Chavez stated that she spoke to City of Kingman Grant Administrator Bill Shilling regarding a grant for an underpass to the south side of Kingman. She went on to say that he told her that she did not have the back up for this project and that she needed to speak to the City Council. Ms. Chavez asked for the Council's help to look into building an underpass or a fire station for the south side. Ms. Chavez stated one life is too many to lose.

4. CONSENT AGENDA

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

a. Special Event Liquor License

The Kingman Elks Lodge #468 has applied for a special event liquor license for a "One Night Special Event, Old-timers Night" for February 20, 2010 at 301 N. 4th Street, Kingman, Az. **Staff recommends approval.**

b. Change Order No. 1 for Water Tank Construction and Restoration with Paso Robles Tank, Inc., Engineering contract ENG09-018

Paso Robles Tank is proceeding with the construction of a new tank at City Well No. 11 and restoration of the existing Beale Springs and Rancho Santa Fe tanks. After draining the Beale Tank, staff noted that the drain line and roof vent should be replaced. It was also noted that a membrane for the new floor, which was called for on the bid plans, was not needed. Eliminating the membrane results in a savings to the City. Staff has

also requested that ladder security gates be installed on the exterior of all three tanks. Paso Robles has requested a net change in the amount of \$1,818.68 to cover this work.
Staff recommends approval

- c. **Acceptance of Grant of Water Line Easement for the Water Line Construction on the Mohave County Adult Detention Center Site located at 501 State Route 66**
Construction of the Mohave County Adult Detention Center at 501 State Route 66 requires the construction of a new onsite water line, installation of water meters and eight fire hydrants. These improvements are outside of the existing utility easements and right-of-way. Mohave County is offering to grant a water line easement for the new water line, water meters and fire hydrants. **Staff recommends that the Mayor be authorized to sign the Acceptance of the Grant of Water Line Easement.**
- d. **Consideration of Acceptance of a 20.00—foot Radius Curve at the Corner of Calumet Street and Swing Street Offered to be Dedicated with the Recording of a Parcel Plat.**
Property owner, Delma Galliher trustee of the Galliher Family Trust, is offering the radius for roadway and utility purposes in conjunction with the recording of a parcel plat. **Staff recommends accepting the offer of dedication as described and authorize the Mayor to sign the offer of dedication on the subject parcel plat.**
- e. **Authorization to Purchase Right of Way (ROW) Needed for Construction of the North Bank Street ARRA project (ENG09-026)**
The City of Kingman was granted \$500,000 in federal stimulus funding (ARRA: American Recovery and Reinvestment Act) for roadway improvements on N. Bank Street between Beverly Ave. and Airway Ave. in May of 2009, and approved Amendment One of the Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) on Jan. 19, 2010. One small triangular shaped area of right-of-way is needed at the south-west corner of the intersection of Bank Street and Fox Avenue in order to construct curb and pavement improvements around the intersection. The single property area owned by Silver Queen Motel, LLC will cost the City \$1,200.00 in Flood Control monies to purchase. The additional \$243.00 in Escrow and recording charges is included in the existing Purchase Order. **Staff recommends Council approve Staff to proceed with the purchase of the above right-of-way and authorization for the Mayor to sign the documents, including the Estimated Master Settlement Statement, Warranty Deed, and all sale escrow instructions documentation as needed for completion of the purchase.**
- f. **Authorization to Purchase Right of Way (ROW) Needed for Construction of the North Bank Street ARRA project (ENG09-026)**
The City of Kingman was granted \$500,000 in federal stimulus funding (ARRA: American Recovery and Reinvestment Act) for roadway improvements on N. Bank Street between Beverly Ave. and Airway Ave. in May of 2009, and approved Amendment One of the Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) on Jan. 19, 2010. Five small triangular shaped areas of right-of-way are needed at the intersections of Bank St. and Fox Ave, Armour Ave, and Nelson Ave. in order to construct curb and pavement improvements around the intersection areas. The five property areas, owned by Freiday Construction, LLC and B.A. Freiday, will cost the City a total of \$8,700.00 in Flood control monies to purchase. The additional \$168.00 in Escrow and recording charges is included in the existing purchase

order. **Staff recommends Council approval for staff to proceed with the purchase of the above right-of-way areas and authorization for the Mayor to sign the attached documents including the Estimated Master Settlement Statement, Warranty deeds, and all sale escrow instructions documentation as needed for completion of the purchases.**

g. Acceptance of Three Public Utility Easements for Waterline and Fire Hydrants along Hafley Drive.

Toby Orr and Scott Preston recently installed a water line in Hafley Drive. Improvements along Hafley Drive from Harvard Street to Painted Trail are outside of the existing public utility easements and right-of-way. Three property owners (Scott Preston, S. and D. Weisberg, and D. and A. Prince) along Hafley Drive are offering to grant public utility easements for the water line, new water meter, and fire hydrant. **Staff recommends that the Mayor be authorized to sign Acceptance statements for the Grant of Public Utility Easements.**

h. Ordinance No. 1673--City Code 2-16.1 Agenda

On July 6, 2009, the Council adopted Ordinance No. 1658 to adjust the time frame for the submittal of agenda items as well as when the agenda packet was to be published. After six months, it has been determined that this adjustment created a larger burden than anticipated. The Council directed staff to modify the City code back to the former submittal time frames. In no event shall any item be placed on the agenda that may violate ARS 38-431.02. **Staff recommends approval of Ordinance No. 1673.**

Councilmember Deering made a MOTION to APPROVE the Consent Agenda in its entirety. Councilmember Gordon SECONDED and it was APPROVED by a vote of 6-0.

(ORDINANCE NO. 1673)

5. OLD BUSINESS

None

6. NEW BUSINESS

a. Economic Development Marketing Commission (EDMC) Funding Request

The EDMC's Shop Kingman subcommittee provided information for their proposed Valentine's Day initiative to EDMC at its January 8, 2010 meeting. The Shop Kingman subcommittee recommends utilizing Public Service Announcements, print advertising, advertising on various businesses' signage, and flyers, to promote their Valentine's Day "for those close to your heart shop close to home" campaign. The Shop Kingman subcommittee recommended that EDMC request \$800 from City of Kingman contingency funds to finance this initiative. In lieu of actual monies spent, donations from local businesses may also be made. **The EDMC voted 6-4 to recommend Council grant the funding for this initiative.**

EDMC Vice Chairperson John Kirby addressed Council. Mr. Kirby stated that EDMC requested \$800 from City of Kingman contingency funds in an attempt to show continuity in its Shop Kingman campaign. He went on to say that these funds will be used for newspaper advertising for the Valentine's Day campaign and that

EDMC's Shop Kingman Subcommittee has talked with local businesses about donating space on their scrolling marquee signs. Mr. Kirby stated that when EDMC is given a budget this type of project will be built into it and additional approval by Council will not be needed.

Councilmember Lyons asked if EDMC would be doing a campaign for every holiday. Mr. Kirby stated that they will but they plan to pay for future campaigns with donations as much as possible. Councilmember Lyons said that many businesses do this for themselves. Mr. Kirby agreed but their goal is to use the holidays to provide continuity to their Shop Kingman campaign. He went on to say that this is an investment in the community.

Councilmember Gordon stated that she is concerned because Valentine's Day is so close. Mr. Kirby replied that they have a campaign prepared and will start the advertisements the week prior to Valentine's Day. Councilmember Gordon asked if the money would be used for advertising. Mr. Kirby stated that it would be used for newspaper and radio advertising. Councilmember Gordon asked if this advertising would specify any particular businesses. Mr. Kirby stated that it will not, the advertising will consist of a general Shop Kingman message.

Councilmember Deering stated that he is all for shopping local but does not think that a Valentine's Day initiative will bring in an additional \$800 in revenue. Mr. Kirby agreed and stated that although the advertisements will be run around Valentine's Day the major goal is to continually promote Shop Kingman. Councilmember Deering asked why the EDMC's vote was 6-4 in favor of this request and not unanimous. Mr. Kirby stated that the entire EDMC supports Shop Kingman; however, some of the Commissioners did not want to ask for funds because they are so hard to come by during these times. Councilmember Deering asked if EDMC would request funds for every holiday. Mr. Kirby stated that they may have to do that but hopefully EDMC will have a budget and, in addition, they will continue to solicit donations from local businesses.

Councilmember Gordon asked City Attorney Carl Cooper if it is appropriate for the City to spend these funds when there are so many other issues that need to be addressed. Mr. Cooper stated that it is acceptable as long as the message is not specific to a particular business and can provide a return on taxpayer monies. He went on to state that these funds will be used to keep sales tax money in Kingman. Mr. Cooper stated that many cities and towns participate in these types of campaigns.

Councilmember Walker stated that he believes in the continuity of the Shop Kingman message.

Vice Mayor Watson stated that when the Council approved the formation of EDMC the Council also stated that until the Commission receives a budget they were to request funds from Council. She went on to ask if EDMC applied to the Economic Tourism Development Commission (ETDC) for these funds. Mr. Kirby stated that the Shop Kingman Subcommittee did not apply to ETDC for these funds because he does not believe this campaign would fit their criteria. Mayor Salem stated that at

this point he believes it would be appropriate to apply to EDMC and does not wish to fund these types of project with general fund money. Mayor Salem further stated that this type of project is an investment in the community.

Councilmember Gordon made a MOTION to APPROVE the EDMC's request for \$800 from City of Kingman contingency funds for their Valentine's Day campaign. Councilmember Walker SECONDED.

Councilmember Lyons requested that EDMC present a report to Council with the results of their project. Councilmember Walker stated that ETDC funds should be used for these types of projects. Councilmember Gordon stated that ETDC does not deal with economic development, although they have in the past, and their funding comes from the bed tax. She went on to say that ETDC commissioners firmly believe that bed tax monies should be spent for tourism only. Mayor Salem stated that the ETDC commissioners have promised to work with EDMC.

Councilmember Gordon stated that ETDC funds are City money and asked if this funding request could be taken from their fund. Mayor Salem stated that it would be inappropriate at this time because ETDC has not been informed in advance of the request. He went on to say that it would be more beneficial to apply to them, allow them to make their decision and recommend it to the Council, as they are a recommending body.

The MOTION was APPROVED by a vote of 6-0.

b. Resolution No. 4657—Grant Application for the American Recovery and Reinvestment Act (ARRA) of 2010 for Transit Capital

The Transit Advisory Commission (TAC), at their quarterly meeting on January 20, 2010, approved the submittal of the American Recovery and Reinvestment Act (ARRA) grant of 2010 for transit capital purchase which require **NO LOCAL MATCH** of funds. These funds would be used for transit vehicles, misc. office furniture and office equipment, lighting for bus stops, surveillance and security upgrades, farebox replacements, etc. This grant is a 100% federal match. The expenditure will be recorded in the FY2010/2011 city budget and be reimbursed by ADOT after compliance with reimbursement guidelines. **Staff recommends Council approve the ARRA 2010 grant application and allow KART to proceed with the grant application process.**

Councilmember Gordon recused herself from this discussion due to a conflict of interest.

Councilmember Deering made a MOTION to APPROVE Resolution No. 4657. Vice Mayor Watson SECONDED and it was APPROVED by a vote of 5-0 with Councilmember Gordon abstaining.

(RESOLUTION NO. 4657)

c. Resolution No. 4658—FY 2010/2011 Amended Grant Application for Section 5311 Rural Transit

The Mayor & Council originally approved the FY2010/2011 Grant Application at their

November 2, 2009 meeting. As a result of the new transit center location, a new driveway and turn-out is required for the Public Works Yard. The current driveway is a shared entrance by the Motor Vehicle Division of ADOT and the Public Works Yard of the City of Kingman. The Transit Advisory Commission (TAC), at their January 20, 2010 meeting, approved the additional capital for a new approved turn-out and driveway entrance for KART to the Public Works Yard. Because KART is required to establish and file for the grant in January 2010 for funding starting on October 1, 2010, KART will make adjustments to the actual grant application as required during the budget process. The City contribution for capital could be up to \$70,000 if funded at 20% or \$24,500 if funded at 7% ADOT will strive to allocate the 7% funding to KART; operations and administration \$313,511. The budget for KART for FY2010/2011 will reflect these contributions and budget figures. **Staff recommends that Council approve the FY2010/2011 amended Grant Application as recommended by the TAC and allow KART to proceed with the amended grant application process for FY 2010/2011 funding.**

Councilmember Gordon recused herself from this discussion due to a conflict of interest.

Public Works Director Rob Owen stated that this request is for the annual 5311 grant with an amendment to add an additional driveway at the Public Works yard. Mr. Owen stated that there is only one entrance to Public Works and there are occasional conflicts between work vehicles, heavy equipment, and buses. He went on to say that the money would be used to build another entrance at the north east end of the property for heavy equipment and buses.

Councilmember Deering made a MOTION to APPROVE Resolution No. 4658. Councilmember Walker SECONDED and it was APPROVED by a vote of 5-0 with Councilmember Gordon abstaining.

(RESOLUTION NO. 4658)

7. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER

City Manager Jack Kramer stated that the next Council Meeting will be on Tuesday, February 16th due to the President's Day holiday.

Councilmember Walker directed staff to schedule a meeting at which Council can get legal advice from Mr. Cooper regarding impact fees. He went on to say that it has been a year since impact fees have been discussed. Councilmember Gordon stated that it could be a Work Shop. Mr. Cooper stated that the item could be added to a Regular Meeting agenda. He went on to state that some aspects could be discussed at the open meeting while others may require an executive session.

Councilmember Lyons stated that this month's World and News Report addresses aging and named America's best nursing homes. There were only four chosen in the state of Arizona with one of those being Kingman's Lingenfelter Center. Councilmember Lyons stated that this award is an honor for Kingman.

Mayor Salem stated that City of Kingman Municipal Court employee Cindy Linne's

daughter is currently serving in Afghanistan. Just before Christmas Ms. Linne' circulated a banner throughout Kingman for signatures and comments. Ms. Linne' sent the banner to her daughter and she sent a thank you letter in reply. Mayor Salem read the letter to the audience.

January 31, 2010

My daughter spent her second holiday season in Afghanistan with her Army unit this past year, and she asked if it would be possible to send a greeting to her unit from our City, as a reminder that even though they are far away, people from all different places, and all different walks of life back home are thinking of them.

I had a banner made, and spent a vacation day visiting our different departments collecting signatures and sentiments for her unit. When she received the banner, it was hung in their main dining hall, and Kendra tells me the response was overwhelming. Many soldiers took the time to read every name and every note, and it was viewed by many of the support troops of different service branches, and even troops of other countries that are serving with her unit.

She says it is hard to explain how much something like that means when you are stationed so very far from home. Our daily lives are much different than our deployed soldiers' and to know that others remember is so very special to them. Every department was represented on the banner, along with "the man on the street". They marveled at all of the signatures, every name on that banner was read and appreciated. When she asked me how in the world I could obtain all of those signatures, I was able to tell her "It was easy, that's what kind of City Kingman is." Each department was enthusiastic in their participation, and our City truly sent them our best wishes. I think sometimes we forget how very lucky we are to be here - in a City that is truly a community.

A very special Thank You to the City of Kingman and all of its departments, special mention to the Municipal Court for "the best brownies ever made" (a direct quote) and all the good things sent with the banner, to the Kingman Police Department, whose admin staff and officers enthusiastically rounded up every available body to sign, to the Kingman Fire Department admin staff and Fire Station 2 who kept the banner for a time when they would have the most firefighters available.

This flag flew over the memorial field at the Bagram Air Base on Christmas Day 2009 in honor of the City of Kingman, and is given to us by the Combined Special Operations Task Force, 7th Special Forces Group in appreciation of our expression of support during the holiday season.

Cindy Linne'

With no further discussion, Councilmember Deering made a MOTION to ADJOURN. Councilmember Lyons SECONDED and it was APPROVED by a vote of 6-0.

ADJOURNMENT: 6:36 p.m.

ATTEST:

APPROVED:

Debbie Francis
City Clerk

John Salem
Mayor

STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Donna King, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on February 1, 2010

Dated this 5th Day of February, 2010

Donna King, Recording Secretary